

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

in

For Approval and Signature:

MR. JUSTICE C.K. THAKKER

JJJ

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5. Whether it is to be circulated to the Civil Judge? - No.

N R PARMAR

Versus

STATE OF GUJARAT

Appearance:

MR ARUN H MEHTA for the appellants.

MR M G DOSHIT, for the respondent.

CORAM : THE CHIEF JUSTICE G.D.KAMAT and
MR.JUSTICE C.K.THAKKER

Date of decision: 22/10/96

ORAL JUDGEMENT : (Per G.D. Kamat, C.J.)

Admit. Mr.M.G. Doshit waives service of notice of admission on behalf of the respondent. By consent, to be heard forthwith.

Special Civil Application No.3241 of 1983 was dismissed for default on 12th of December, 1995 when the counsel for the appellants was not present. Thereafter, Miscellaneous Civil Application No.1952 of 1995 was taken out for setting aside the order of dismissal. The learned single Judge, however, did not persuade himself to set aside the order, with the result the Miscellaneous Civil Application was rejected by the order dated 26th September, 1996.

By consent, the order dated 26th September, 1996 in Miscellaneous Civil Application No.1952 of 1995 and the order dated 12th December, 1995 in Special Civil Application No.3241 of 1983 are set aside and Special Civil Application NO.3241 of 1983 is restored on the Board of the learned single Judge, who shall now dispose of the same, on merits.

Appeal is allowed to the extent indicated, with no order as to costs.

(apj)